

REMARKS

The Amendment dated April 25, 2007 was not entered by the Examiner as the Amendment was allegedly non-responsive. Without conceding the correctness of the Examiner's refusal to enter the Amendment, Applicant respectfully requests that the present Amendment be entered. Claims 1 to 13 are pending in the application, with Claims 1, 2, 5 to 9 and 12 having been amended and Claim 13 having been newly added. Claims 1, 7 and 8 are in independent form. Reconsideration and further examination are respectfully requested.

In the Office Action dated January 26, 2007, Claim 8 was rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Without conceding the correctness of the rejection, Claim 8 has been amended herein to clarify that it is directed to a computer-executable program product embodied in a computer-readable storage medium. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In the Office Action dated January 26, 2007, Claims 1, 3, 4, 6 to 8, 10 and 11 were rejected under 35 U.S.C. § 102(b) over U.S. Published Appln. No. 2002/008039 (Sugiura). Claims 2, 5, 9 and 12 were rejected under 35 U.S.C. § 103(a) over Sugiura in view of U.S. Patent No. 6,145,947 (Inora). Claims 1 to 12 having been canceled without prejudice or disclaimer of subject matter, Applicant respectfully requests withdrawal of these rejections.

The present invention concerns an acquisition unit for acquiring printer information which includes non-ejection nozzle information pertaining to a non ejection

nozzle of a print head from a printer connected to said apparatus, and a reception unit for receiving print data from the server that generates print data for perform printing without using a non-ejection nozzle based upon the non-ejection information acquired by said acquisition unit. By virtue of these elements, the present invention can perform printing using ejecting nozzles efficiently.

Turning now to the claims, Claim 1 is directed to a print control apparatus which can be connected to a server that generates print data on the basis of printer information and information to be printed. The apparatus comprises an acquisition unit for acquiring printer information which includes non-ejection nozzle information pertaining to a non-ejection nozzle of a print head from a printer connected to said apparatus; a transmission unit for transmitting information required to specify the information to be printed, and the printer information to the server; a reception unit for receiving print data from the server as a response; and a print control unit for controlling the printer to print the print data wherein the server generates print data for perform printing without using a non-ejection nozzle based upon the non-ejection information acquired by said acquisition unit.

In contrast, Sugiura discloses a terminal device which transmits print data to a printer server sending the print data to a printer managed by the printer server. The printer prints a document based on the print data.

Furthermore, Inora discloses an ink consumption detection system in which a high order device acquires an amount of ink consumption from a printer and then displays the amount of ink consumption.

However, Sugiura and Inora, either alone or in combination, fail to disclose or suggest an acquisition unit for acquiring printer information which includes

non-ejection nozzle information pertaining to a non ejection nozzle of a print head from a printer, and a reception unit for receiving print data from the server that generates print data for perform printing without using a non-ejection nozzle based upon the non-ejection information acquired by the acquisition unit.

In light of the deficiencies of Sugiura nor Inora as discussed above, Applicant submits that amended independent Claim 1 is now in condition for allowance and respectfully requests same.

Amended independent Claims 7 and 8 are directed to a method and a computer-executable program product embodied in a computer-readable medium, respectively, substantially in accordance with the apparatus of Claim 1. Accordingly, Applicant submits that Claims 7 and 8 are also now in condition for allowance and respectfully requests same.

The other pending claims in this application are dependent from the independent claims discussed above and are therefore believed allowable for at least the same reasons. However, as each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of each dependent claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire, Reg. No. #42,419/  
Frank L. Cire  
Attorney for Applicant  
Registration No.: 42,419

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCHS\_WS 1437811v1